

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,) CRIMINAL NO. 15-3545 JH
)
vs.)
)
ANDREW ZAMORA,)
)
Defendant.)

UNITED STATES' RESPONSE TO DEFENDANT'S SENTENCING MEMORANDUM –
VOSR HEARING
(Doc. 69)

The United States of America respectfully submits this response to Defendant's Sentencing Memorandum. Doc. 69.

On April 15, 2020, a petition for revocation of supervised release was filed in this case asserting defendant's unlawful use of controlled substances and alcohol. Doc. 43. Defendant later admitted to his US Probation Officer to having smoked marijuana "which must have been laced with methamphetamine" and to having consumed alcohol on or around April 2, 2020. *Id.* On December 30, 2020 an amended petition for revocation of supervised release was filed asserting Defendant shall not associate with any person engaged in criminal activity, shall not associate with any person convicted of a felony, follow instructions and truthfully answer all inquiries by the US Probation Officer. Doc. 54. On December 29, 2020, Defendant admitted to his US Probation Officer he had relapsed and had used methamphetamine and marijuana. He admitted he was at another felon's residence. *Id.* Illegal substances and drug paraphernalia were located at the

residence. *Id.* He was located and observed by a US Probation Officer to being at another offender's residence after having been advised not to have contact with the other offender. *Id.*

The maximum statutory penalty is 2 years imprisonment with 3 years of supervised release. These are grade C violations and with a criminal history of V, the revocation imprisonment range is 7 to 13 months. Doc. 54.

Defendant, through counsel, filed a sentencing memorandum in which he advised the Court that Defendant intends to waive the revocation hearing and admit to the violation specifications and proceed to sentencing. Doc. 69. He requests a sentence of a year and a day incarceration and terminate Defendant's term of supervision. *Id.* If the Court does not believe termination of supervision is appropriate, then a term of imprisonment of 7 months is requested. *Id.*

The United States requests a sentence within the guideline range and will defer to US Probation's recommendation as to supervision.

Defendant has criminal history starting at age 14 and a history of violence. Doc. 24. He has had a serious drug addiction for a good part of his life. *Id.* Most recently, he has been unable to follow US Probation's conditions of supervision. His current violations appear to stem from his drug addiction, and this is his fifth positive drug test for illegal controlled substance while on supervision. Doc. 54. Defendant is in dire need of substance abuse counseling.

CONCLUSION

WHEREFORE, the United States respectfully requests that this Court impose a sentence within the guideline range and will defer to US Probation's recommendation as to supervision.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

/s/ Electronically filed February 22, 2021

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I HEREBY CERTIFY that a true copy of the foregoing pleading was sent to counsel of record this 22nd day of February, 2021

/s/

RUMALDO R. ARMIJO
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